

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1031 & 846

93RD GENERAL ASSEMBLY

Reported from the Committee on Commerce, Energy and the Environment, March 2, 2006, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5109S.02C

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be known as section 386.572, to read as follows:

386.572. 1. No corporation, person, public utility, or municipality that owns a gas plant shall violate any law or any order, decision, decree, rule, direction, demand, or requirement of the commission or any part or portion thereof relating to federally mandated natural gas safety standards. Notwithstanding the above, a municipality that owns a gas plant shall be subject to the provisions of this section only for violations of natural gas safety laws, rules, or orders.

2. The maximum penalties for violations of federally mandated natural gas safety standards, which also constitute violations of the commission's rules, shall be ten thousand dollars for each violation and for any related series of such violations, notwithstanding any provisions of subsection 1 of section 386.570 to the contrary. In determining the amount of the penalty, the commission shall consider the nature, circumstances, and gravity of the violation, and also shall consider, with respect to the entity found to have committed the violation:

- (1) The degree of culpability;**
- (2) Any history of prior violations;**
- (3) The effect of the penalty on the entity's ability to continue operation;**

- 21 **(4) Any good faith effort in attempting to achieve compliance;**
22 **(5) Ability to pay the penalty; and**
23 **(6) Such other matters as are relevant in the case.**

24 **3. Every violation of the provisions of this section by any**
25 **corporation, person, public utility, or municipality that owns a gas**
26 **plant is a separate and distinct offense. In case of a continuing**
27 **violation, each day's continuance thereof shall be a separate and**
28 **distinct offense.**

29 **4. In construing and enforcing the provisions of this section, the**
30 **act, omission, or failure of any officer, agent, or employee of any**
31 **corporation, person, public utility, or municipality that owns a gas**
32 **plant acting within the scope of official duties of employment shall in**
33 **every case be considered the act, omission, or failure of such**
34 **corporation, person, public utility, or municipality that owns a gas**
35 **plant.**

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